

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

BILL LIETZKE, )  
Plaintiff, )  
v. ) CIV. ACT. NO. 2:20-cv-1033-ECM  
CITY OF MONTGOMERY, AL, *et al.*, )  
Defendants. )

## **MEMORANDUM OPINION and ORDER**

On May 3, 2023, the Magistrate Judge recommended that this case be dismissed. (doc. 7). On May 16, 2023, the Plaintiff filed a document styled as an “Order of Disqualification of Magistrate Judge Jerusha T. Adams Order Entering Default Judgement against Defendants Order Overruling Recommendation of the Magistrate Judge and Order to Show Cause” which the Court construes as Objections to the Recommendation. (doc. 8). The Court has carefully reviewed the record in this case, the Recommendation of the Magistrate Judge, and the Plaintiff’s objections. Upon an independent review of the record, and for good cause, it is

ORDERED as follows:

1. The Plaintiff's Objections (doc. 8) are OVERRULED.
2. The Recommendation of the Magistrate Judge (doc. 7) is ADOPTED.
3. This case is DISMISSED without prejudice for failure to prosecute and, alternatively, for failure to comply with the orders of the Court.
4. The Plaintiff is DECLARED a vexatious litigant.

5. The Plaintiff is PROHIBITED from proceeding *in forma pauperis* in this District against these Defendants on any complaint arising out of the July 6, 2020 incident in which police questioned him in conjunction with reports that he had been flagging down cars and then told him to stay out of the street and stop flagging down cars.

6. Any future *in forma pauperis* motions the Plaintiff files in this District shall be accompanied by a sworn, notarized affidavit, stating whether he has ever filed any lawsuits in any court arising out of the same incident(s), acts(s), or occurrence(s) as are implicated in the complaint on which he seeks to proceed *in forma pauperis*. If he has filed any related lawsuits, he must include in his signed, notarized affidavit the name of the court(s) where each such lawsuit was filed, the case number of the related case(s), and the status of the related litigation. He must also attach to his sworn, notarized affidavit (1) a current copy of the docket sheet for each such case and (2) a copy of each and every complaint that he has filed in any such case. Any such attached copy of a complaint shall bear the dated “filed” stamp of the Clerk of the Court in which it was filed, or it shall bear the mark of the CM/ECF (PACER) system showing that it is a copy of the complaint that is in the official court record. Failure to follow these instructions shall result in denial of the motion to proceed *in forma pauperis* and may result in dismissal of the case with or without prejudice for failure to comply with the Court’s orders.

A final judgment will be entered.

DONE this 21st day of August, 2023.

/s/ Emily C. Marks  
EMILY C. MARKS  
CHIEF UNITED STATES DISTRICT JUDGE